

**§ 402.1 Purpose.**

This regulation prescribes the charges to be assessed for the full or partial transit of the St. Lawrence Seaway between Montreal, Quebec and Lake Erie.

**§ 402.2 Title.**

This tariff may be cited as the St. Lawrence Seaway Tariff of Tolls.

**§ 402.3 Interpretation.**

In this tariff.

(a) *Authority* means The St. Lawrence Seaway Authority;

(b) *Bulk cargo* means such goods as are loose or in mass and generally must be shovelled, pumped, blown, scooped or forked in the handling and, shall be deemed to include:

(1) Cement, loose or in sacks;

(2) Coke and petroleum coke, loose or in sacks;

(3) Domestic cargo;

(4) Liquids carried in ships' tanks;

(5) Ores and minerals (crude, screened, sized or concentrated, but not otherwise processed) loose or in sacks, including alumina, bauxite, gravel, phosphate rock, sand, stone and sulphur, but excluding coal;

(6) Pig iron, scrap metals;

(7) Lumber, pulpwood, poles and logs, loose or bundled;

(8) Raw sugar, flour, loose or in sacks;

(9) Woodpulp, loose or in bales;

(10) Material for recycling, scrap material, refuse and waste;

(c) *Cargo* means all goods aboard a vessel whether carried as revenue or non-revenue freight, or carried for the vessel owner, *except*: empty containers and the tare weight of loaded containers, all such containers having a capacity of 18 cubic meters (635.665 cubic feet) or more; ships' fuel, ballast or stores, or crew or passenger's personal effects, and intransit cargo that is carried both upbound and downbound in the course of the same voyage which shall be reported in the Seaway Transit Declaration Form but is deemed to be ballast and not subject to toll assessment;

(d) *Containerized cargo* means any general cargo shipped in an enclosed, permanent, reusable, nondisposable, weathertight shipping conveyance hav-

ing a capacity of 18 cubic meters (635.665 cubic feet) or more and fitted with a minimum of one hinged door;

(e) *Corporation* means the Saint Lawrence Seaway Development Corporation;

(f) *Domestic cargo* means cargo, the shipment of which originates at one Canadian point and terminates at another Canadian point, or which originates at one United States point and terminates at another United States point, but shall not include any import or export cargo designated at the point of origin for transshipment by water at a point in Canada or in the United States;

(g) *Feed grains* means barley, corn, oats, flaxseed, rapeseed, soybeans, field crop seeds, grain screenings, and meal from these grains for animal consumption;

(h) *Food grains* means buckwheat, dried beans, dried peas, rye, and wheat;

(i) *General cargo* means all goods not included in the definitions under paragraphs (b), (g), (h), and (j) of this section, but excluding steel slab;

(j) *Government aid cargo* means processed food products which have been donated by or the purchase of which has been financed on concessional terms by the Federal Government of either the United States or Canada for the purposes of nutrition, economic development, emergency, or disaster relief programs and any food cargo that is owned or financed by a nonprofit organization or cooperative and that is certified by the Customs Service of the United States or Canada as intended for use in humanitarian or development assistance overseas.

(k) *Metric ton* means, unless otherwise stated, a metric unit of weight of 1,000 kilograms (2204.62 pounds);

(l) *Passenger* means any person being transported through the Seaway who has paid a fare for passage;

(m) *Pleasure craft* means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers;

(n) *St. Lawrence Seaway* includes all facilities and services authorized under the St. Lawrence Seaway Authority Act, Chapter 242, Revised Statutes of Canada, 1952, as amended, and under Pub. L. 358, 83rd Congress, May 13, 1954,

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enacted by the Congress of the United States, as amended, and including the Welland Canal, which facilities are under the control and administration or immediate financial responsibility of either the Authority or the Corporation;

(o) *Seaway* means the St. Lawrence Seaway;

(p) *Tolls* means the total assessment levied against a vessel, its cargo and passengers for complete or partial transit of the Seaway covering a single trip in one direction;

(q) *Vessel* means every type of craft used as a means of transportation on water, except a vessel of or employed by the Authority or the Corporation.

[47 FR 13804, Apr. 1, 1982, as amended at 54 FR 39175, Sept. 25, 1989; 56 FR 22119, May 14, 1991; 57 FR 2471, Jan. 22, 1992; 57 FR 30905, July 13, 1992; 59 FR 2986, Jan. 20, 1994; 59 FR 45228, Sept. 1, 1994]

#### § 402.4 Tolls.

(a) The tolls shall be set forth in the schedule hereto.

(b) The tolls under this tariff are due from the representative of each vessel as soon as they are incurred and payment shall be made within thirty (30) days of the vessel's entry into the Seaway.

(c) The tolls for the section between Montreal and Lake Ontario shall be paid 75 percent in Canadian dollars and 25 percent in United States dollars. Payments for transit through locks in Canada only shall be in Canadian dollars, and payments for transit through locks in the United States only shall be in United States dollars.

(d) the tolls for transit of the Welland Canal shall be paid in Canadian dollars and shall accrue to the Authority.

[47 FR 13804, Apr. 1, 1982, as amended at 50 FR 21264, May 23, 1985; 54 FR 39175, Sept. 25, 1989]

#### § 402.5 Security for payment.

A representative of each vessel shall provide the Authority or the Corporation with security, satisfactory to the Authority or the Corporation, for payment of tolls.

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#### § 402.6 Description and weight of cargo.

(a) A cord of pulpwood shall be deemed to weigh 1,450 kilograms (3196.70 pounds).

(b)(1) 1,000 f.b.m. of sawn softwood lumber with less than 15% moisture content shall be deemed to weigh 770 kilograms (1697.56 pounds).

(2) 1,000 f.b.m. of sawn softwood lumber with 15% moisture content or over shall be deemed to weigh 950 kilograms (2094.39 pounds).

(3) 1,000 f.b.m. of sawn hardwood lumber with less than 15% moisture content shall be deemed to weigh 1,135 kilograms (2502.24 pounds).

(4) 1,000 f.b.m. of sawn hardwood lumber with 15 per cent moisture content or over shall be deemed to weigh 1,405 kilograms (3,097.49 pounds).

(c) The tonnage used in the assessment of tolls shall be calculated to the nearest 1,000 kilograms (2204.62 pounds).

[47 FR 13804, Apr. 1, 1982, as amended at 54 FR 39175, Sept. 25, 1989]

#### § 402.7 Post-clearance date operational surcharges.

(a) If the Authority and the Corporation so determine, they may establish a clearance date for the transit of the Montreal-Lake Ontario section. Each vessel which does not comply with the conditions announced by the Authority and the Corporation in establishing the clearance date may be required to pay in dollars an amount not exceeding the operational surcharge set forth below:

(1) Vessels reporting during the 24 hour period immediately following the clearance date: 20,000.00

(2) Vessels reporting more than 24 hours late, but less than 48 hours after the clearance date: 40,000.00

(3) Vessels reporting more than 48 hours late, but less than 72 hours after the clearance date: 60,000.00

(4) Vessels reporting more than 72 hours late, but less than 96 hours after the clearance date: 80,000.00

(b) The operational surcharge assessed vessels already at a port, dock or wharf within the St. Lambert-Iroquois Lock segment of the Montreal-Lake Ontario section at the clearance date shall be \$20,000 less than the amount otherwise applicable.